

Prob 12
(Rev. 3/88)

FILED

UNITED STATES DISTRICT COURT
For The
WESTERN DISTRICT OF PENNSYLVANIA

'06 MAR 24 P2:51
U.S.A. vs. Carlos Ayala Marrero

Docket No. 04-00032-003 Erie

CLERK
U.S. DISTRICT COURT

Petition on Supervised Release

COMES NOW Theodore W. Johnson, CHIEF PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of CARLOS AYALA MARRERO, who was placed on supervision by the Honorable Maurice B. Cohill, Jr., sitting in the Court at Erie, Pennsylvania, on the 8th day of June 2005, who fixed the period of supervision at three years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

- The defendant shall not commit another federal, state, or local crime.
- The defendant shall not illegally possess a controlled substance.
- The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.
- The defendant shall participate in a program of testing and, if necessary, treatment for substance abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. The defendant shall submit to one drug urinalysis within 15 days after being placed on supervision and at least two periodic tests thereafter
- The defendant shall refrain from use, possession, and purchasing of alcohol.
- The defendant shall cooperate in the collection of DNA as directed by the probation officer.
- The defendant shall make restitution in the amount of \$3,868.34 to the following: Allstate Insurance Company, Claim No. 5132653963KLN, 1721 Cochran Road, Pittsburgh, Pennsylvania 15220, in the amount of \$427.34, and Kathleen Sivik, 9931 Williamson Road, Meadville, Pennsylvania 16335, in the amount of \$3,441. Restitution shall be paid jointly and severally with Hiram Edgardo Garcia and Pedro Cubero.
- The defendant shall notify the United States Attorney for this district within 30 days of any change of mailing or residence address that occurs while any portion of the restitution remains unpaid.
- The defendant shall pay any remaining restitution through monthly installments of not less than 10 percent of his gross monthly income.
- The defendant shall provide the probation officer with access to any requested financial information.
- The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
- The defendant shall pay to the United States a special assessment of \$100.

06-08-05: Stealing Firearms From a Licensed Firearms Dealer; 18 months' custody of the Bureau of Prisons, to be followed by 3 years' supervised release.

09-21-05: Released to supervision; Currently supervised by U. S. Probation Officer David J. Conde.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

Your Petitioner reports that Mr. Marrero has continued to test positive for cocaine and has failed to attend drug and alcohol counseling. Urine specimens obtained from Mr. Marrero on February 27, 2006, and March 2, 2006, tested positive for cocaine. The tests were confirmed positive by Scientific Testing Laboratories on March 1 and 7, 2006, respectively. Mr. Marrero was confronted about the test results on March 10, 2006, and admitted to using cocaine. In addition, he admitted to using cocaine on approximately March 8, 2006.

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Mr. Marrero also failed to participate in the partial drug and alcohol program at Gaudenzia/Crossroads. Mr. Marrero was scheduled to begin the program on February 20, 2006, but failed to show for his intake appointment. Mr. Marrero was rescheduled for intake on March 1, 2006, and he did report for this appointment. Mr. Marrero was then placed in the program and was to attend every day except Thursday of each week. Following his intake appointment, Mr. Marrero attended only one day of the program.

On March 20, 2006, Mr. Marrero signed a Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Time of Supervision, in which he agreed to the following modification of supervision: The releasee shall participate in the U.S. Probation Office and the Bureau of Prisons' Comprehensive Sanctions Center program, until released by the program review team, for a period not to exceed 180 days.

PRAYING THAT THE COURT WILL ORDER that the releasee participate in the U.S. Probation Office and the Bureau of Prisons' Comprehensive Sanctions Center program, until released by the program review team, for a period not to exceed 180 days.

ORDER OF COURT

Considered and ordered this _____ day of _____, 20 _____ and ordered filed and made a part of the records in the above case.

 Maurice B. Cohill, Jr.
 Senior U.S. District Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed
 on

March 24, 2006

David J. Conde

David J. Conde
 U.S. Probation Officer

Gerald R. Buban

Gerald R. Buban
 Supervising U.S. Probation Officer

Place: Erie, PA